

REMARKS/ARGUMENTS

The present application contains original claims 1, 2, 4 and 7 and new claims 26-29.

Making reference to the Office Action Summary, it is noted that the Office Action is non-final and has set three-month response period. It is submitted that this Amendment has been timely filed.

Making reference to the Detailed Action, it is noted that claims 1, 2, 4 and 7 have been examined in response to an RCE filed July 7, 2008.

Claim Rejections - 35 U.S.C. §102

Claims 1, 2, 4 and 7 have been rejected under 35 U.S.C. §102(b) as unpatentable over Aditya Khosla et al. (U.S. Patent No. 6,202,061) (hereinafter, "Khosla et al."). This rejection is respectfully traversed.

The Examiner, making reference to independent claim 1 recites that Khosla et al. teaches a first category designation section configured to designate one category from among a plurality of categories, provided to each of the one or more images displayed to the first display section, making reference to column 7, lines 1-4 of Khosla et al. and stating that images from the same category are stored in an album. To the contrary, the "first category designation section" recited in claim 1 is directed to the classification Step 6 shown in Fig. 1 described in paragraph [0067] through paragraph [0069] set forth on page 4 of the pending U.S. Patent Application Publication No. 2004/0175764 (hereinafter, "Pub. '764"). More particularly, the classification step may alternatively be performed as Step 8 after reviewing Step 7.

Making reference, for example, to Fig. 9, when a folder including images is selected by double clicking on the folder, a predetermined number of images stored

in the folder are displayed in the browse area 36 to display an array of reduced ("thumbnail") images 36b-36f as well as displaying classification check box 30. A classification check mark tool box 39 is described in paragraph [0093] on page 6 of Pub. '764 which is described as being used to "designate at least one category of the images displayed in the browse area 36." Check box 39a is provided with segments corresponding to the categories which can be simultaneously checked. There is neither teaching nor remote suggestion of the "first category designation section" recited in claim 1 of the present application. To the contrary, Khosla et al. creates an album based on the selection of thumbnails. Making reference to the program Steps 901-911 shown in Fig. 9 of Khosla et al., it should be noted that the thumbnail images are selected by defining certain search parameters. The thumbnail images are displayed as per Step 905 and by selecting button 108, shown in Fig. 11, a new album is created or alternatively, by selecting button 1109, the user is allowed to select particular pictures displayed in the search result window 1101. Khosla et al. fails to teach or even remotely suggest a "first category designation section."

Making reference to Item 4 on page 3 of the Detailed Action, the Examiner again relies on column 7, lines 1-4 stating that Khosla et al. discloses "a second category designation section."

The "second category designation section" recited in independent claim 1 is the section which designates one or more desired categories from among a plurality of categories designated by the first category designation section classified by the classifying section according to the designation as the classification check mark tool box 39.

Although Khosla et al. describes that images from the entire database are designated and displayed in a thumbnail region, according to column 7, lines 1-4, there is no teaching in Khosla et al. of a "second category designation section." The

second category designation section of the present application is shown, for example, in Fig. 11 and is identified as the "data-narrowing display" 39.

Claim 1 further recites a reduced image display section configured to display a reduced number of images of said plurality of images, each of which belongs to any one of one or more categories designated by the second category designation section. Khosla et al. fails to teach a reduced image display section, the Examiner relying exclusively on the text that column 7, lines 1-4 which, at most, teach only a first image display section.

Making reference to Item 4 on page 3 of the Detailed Action, the Examiner states that Khosla et al. discloses "a selection section," and makes reference to Fig. 12E, stating that reduced images from area "1251" can be selected and inserted into area "1253." It should be noted that the "selection section" of the present application is one for selecting two or more images among the reduced images designated by the second category designation section. Khosla et al. is limited to dragging and dropping a picture in the slots 1253a and 1253b which constitute an arrangement of a page in an album wherein the images are offset from one another as one option of a page arrangement chosen by the operator of the PC. See the description of "image slots" at column 5, lines 44+ in Khosla et al.

The Examiner further states that Khosla et al. discloses "a comparison image display section," making reference to Fig. 12E and areas "1253a" and "1253b." The "comparison image display section" recited in claim 1 displays two or more images selected by the selections section for comparison purposes. Making reference to column 14, lines 30-48 of Khosla et al., it should be noted that the operator has the option of selecting and dragging a selected thumbnail from the thumbnail region 305, and reviewing the thumbnails in order to place a selected thumbnail by "select and drag" one of the two picture slots. In Khosla et al., the PC includes a program

which automatically takes pictures from the thumbnail region in the order in which they are presented and places them into consecutive pages of an album being created. The operator can change this arrangement by moving images of the thumbnail region around so that, even though the PC program automatically selects images from the thumbnail region for placement in album pages in a given order, the order of those images entered on album pages may be changed by changing the order of the images in the thumbnail region or, as was described above, selecting and dragging a thumbnail from the thumbnail region to one of the slots of an album page, which arrangement is clearly different from that of the present invention.

The operation of "1253" in Khosla et al. is not for the purpose of displaying images for comparison purposes, but for selecting, classifying and storing images displayed in the thumbnail region 305.

The Examiner further states that Khosla et al. discloses "an image processing section," making reference to column 5, lines 54-56, and stating that a user may process a selected image by "zooming," "rotating," and/or "panning" the image. Khosla et al. describes Step 249 as changing "the view of an image by zooming, rotating and/or panning the image." Claim 1 recites the image processing section as configured to perform at least one of reducing, enlarging and moving processing on the two or more images displayed in the comparison display section.

The Examiner further cites that Khosla et al. teaches in Fig. 8B window "picture properties" as being equivalent of the "selective designation section" recited in claim 1. It should be noted that the "selective designation section" recited in claim 1 is for "selecting and designating an image from among the images compared through the comparison image display section." Khosla et al. is limited to teaching selection of an image from the thumbnail region such as the picture of roses shown in Figs. 8A through 8C and then "selecting album authoring software" which brings

up a "picture properties window" 811 such as the general window shown in Fig. 8A, the file properties window shown in Fig. 8B and the album list shown in Fig. 8C. Viewing the image shown in window 807 of Fig. 8A, the "author" (i.e., PC operator) is invited to provide information in each of the windows such as the title window which receives the title "Roses," the window of the date when the picture was taken which receives the date "01/01/80" as well as other information windows shown. The author is invited to fill-in these windows. There is no teaching in Khosla et al. of selecting an image from a comparison region, Khosla et al. being limited to selecting an image from the thumbnail region which typically includes all of the "shoebox" images. Placement of images on the album pages is the final step in Khosla et al. There is no selection of an image following the comparison step.

In view of the foregoing, it is submitted that claim 1 distinguishes over Khosla et al.

Claims 2 and 4 depend from claim 1 and carry all of its limitations and hence are deemed to patentably distinguish over Khosla et al. for the same reasons set forth above regarding claim 1. Regarding claim 7, it is submitted that claim 7 recites substantially all of the limitations set forth in claim 1 as processing methods steps except for a second category designation section and it is submitted that claim 7 patentably distinguishes over Khosla et al. for the same reasons set forth above regarding claim 1.

In view of the foregoing, it is submitted that claims 1, 2, 4 and 7 patentably distinguish over Khosla et al. and reconsideration and allowance of these claims are earnestly solicited.

Regarding new claims 26-29, based on a telephone interview with Examiner Shih, conducted March 26, 2008, during which the Examiner indicated that a claim reciting processing two or more images in a comparison display section by

simultaneously performing one of enlarging, reducing and positioning on the two or more images is not taught by the prior art relied upon by the examiner in the rejection of the claims, Applicant has presented new claim 26 reciting the above limitations in apparatus form and new claim 26 reciting the above limitations in method form. It is submitted that new claims 26 and 28 are patentable over the prior art relied upon by the examiner. Dependent claims 27 and 29, respectively depend from claims 26 and 28 and it is submitted that these dependent claims are patentable over the prior art relied upon by the Examiner for the same reasons set forth regarding new claims 26 and 28.

Applicant: Nishiyama et al.
Application No.: 10/725,791


Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 2, 4, 7 and 26-29, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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